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MAY 14 2025

CLERK, U.S. DISTRICT COURT  
MINNEAPOLIS, MINNESOTA

9 UNITED STATES DISTRICT COURT  
10 FOR THE DISTRICT OF MINNESOTA  
11

12 Steve Salvador Ybarra  
13 Self-Represented  
14 Pro Se Litigant,

No. . 0:25-cv-01948-KMM-DJF

15 Plaintiff,

**NOTICE OF EVIDENTIARY  
SUPPRESSION AND CPS  
RECOMMENDATION RECISSION**

16 v.

**IN SUPPORT OF PRELIMINARY  
INJUNCTION**

17 Legal Assistance of Dakota County;  
18 Sharon Jones Esq., in her Individual and  
19 Official capacities;  
20 Hon. David Lutz, in his individual and  
21 Official capacities;  
22 Hon. Tanya Obrien, in her individual and  
23 official capacities;  
24 Hon. Dannia L Edwards, in her individual  
25 and official capacities;  
26 Lydia Clemens, in her individual and  
27 official capacities;  
28 Michelle Cathleen Ybarra,

Defendants.

**TO THE COURT AND ALL PARTIES:**

Plaintiff Steve Salvador Ybarra respectfully submits this Notice pursuant to Fed. R. Civ. P. 65(a) and Local Rule 7.1 to notify the Court of a material evidentiary development that further supports Plaintiff's pending request for injunctive relief. This Notice specifically concerns the recission of

SCANNED

MAY 14 2025

U.S. DISTRICT COURT MPLS

1 a child protection recommendation previously relied upon to justify supervised parenting time  
2 and referenced by Defendant Judge David Lutz at the May 12, 2025 hearing.

3  
4 **I. DOCUMENTED RECISSION OF CPS RECOMMENDATION**

5 On October 30, 2024, Aaron Strong, Family Investigation Supervisor for Dakota County Social  
6 Services, issued a formal statement rescinding a July 2, 2024 parenting time recommendation that  
7 had been used to justify denying Plaintiff unsupervised contact with his children. The email  
8 confirms:

9 “Dakota County Social Services determined this recommendation was outside of the scope of the  
10 child protection investigation... Dakota County Social Services is rescinding this  
11 recommendation. Dakota County Social Services does not have any recommendations regarding  
12 custody or parenting time.”

13  
14 A second email on the same day reiterated:

15  
16 “There was no child protection basis for that recommendation... I apologize on behalf of Dakota  
17 County Social Services for the mental pain and anguish this has caused you.”

18  
19 These emails are attached hereto as Exhibits A1 and B1.

20  
21 **II. MISCHARACTERIZATION BY JUDGE LUTZ**

22 Despite this written recission, Judge Lutz mischaracterized the CPS withdrawal during the May  
23 12, 2025 hearing by stating:

24  
25 “...my recall of her testimony is not that CPS recanted its analysis or its findings, but rather that  
26 CPS went one step further to actually make a recommendation... which you persuaded CPS and  
27 the supervisor admitted is above and beyond the scope...”  
28

1 This statement attempts to preserve the GAL's use of the original CPS report by minimizing the  
2 full withdrawal of the recommendation. It also falsely suggests the agency maintained findings  
3 when in fact it rescinded both recommendation and relevance to custody determinations.

4  
5 This is not harmless error. It is an ongoing judicial misrepresentation of a rescinded evidentiary  
6 foundation used to justify supervision and validate the GAL's report.

### 7 8 **III. LEGAL IMPACT**

9 The court's refusal to strike, reconsider, or address this evidentiary collapse violates procedural  
10 due process and parental liberty interests protected by:

- 11 • Mathews v. Eldridge, 424 U.S. 319 (1976);
- 12 • Goldberg v. Kelly, 397 U.S. 254 (1970);
- 13 • Hazel-Atlas Glass Co. v. Hartford-Empire Co., 322 U.S. 238 (1944);
- 14 • In re Murchison, 349 U.S. 133 (1955).

15  
16 This suppression of evidentiary truth is further compounded by Defendant Lydia  
17 Clemens' continued reliance on the rescinded CPS statements in her GAL report, which was used  
18 to impose supervised visitation.

### 19 20 **IV. REQUEST FOR RELIEF**

21 Plaintiff respectfully requests that the Court:

- 22 1. Take judicial notice of Exhibits A and B as formal rescissions by Dakota County Social  
23 Services;
- 24 2. Consider the ongoing reliance on rescinded recommendations as a basis for immediate  
25 injunctive relief;
- 26 3. Strike or disregard any GAL findings premised on now-withdrawn CPS content;
- 27 4. Order further review or evidentiary hearing as to the foundation of custody restrictions  
28 now known to be unsupported.

Respectfully submitted,

/s/ **Steve Salvador Ybarra**

Steve Salvador Ybarra

Pro Se Litigant

California | Minnesota

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Phone: (612) 544-4380

### **CERTIFICATE OF SERVICE**

I hereby certify that on **May 13, 2025**, I served a true and correct copy of the attached:  
**NOTICE OF INTENT TO PROPOND TARGETED DISCOVERY UPON  
RESOLUTION OF PRELIMINARY INJUNCTION MOTION**

upon the following parties by email and/or U.S. Mail:

- **Legal Assistance of Dakota County**

Email: admin@dakotalegal.org

- **Sharon Jones, Esq.**, in her individual and official capacities

Legal Assistance of Dakota County

Email: sjones@dakotalegal.org

- **Hon. David Lutz**, in his individual and official capacities

Dakota County District Court

1560 Highway 55, Hastings, MN 55033

Email: Raymond.mestad@courts.state.mn.us

- **Hon. Tanya O'Brien**, in her individual and official capacities

Dakota County District Court

1560 Highway 55, Hastings, MN 55033

Email:

- **Hon. Dannia L. Edwards**, in her individual and official capacities

Dakota County District Court

1 1560 Highway 55, Hastings, MN 55033

2 Email:

- 3 • **Lydia Clemens**, Guardian ad Litem, in her individual and official capacities

4 First Judicial District GAL Program

5 Email: Lydia.clemens@courts.state.mn.us

- 6 • **Michelle Cathleen Ybarra**, Respondent

7 Email: shellbell@hotmail.com

8 This notice was served to all named parties via email where available and U.S. Mail where  
9 necessary, consistent with Fed. R. Civ. P. 5(b) and Local Rule 7.1.

10 Respectfully submitted,

11 /s/ **Steve Salvador Ybarra**

12 Pro Se Litigant

13 Steve@TheoryWerkx.com

14 (612) 544-4380

15 Executed May 12, 2025